

§ 121.380a

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(d) The certificate holder shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

[Doc. No. 10658, 37 FR 15983, Aug. 9, 1972, as amended by Amdt. 121–251, 60 FR 65933, Dec. 20, 1995; Amdt. 121–321, 71 FR 536, Jan. 4, 2006]

§ 121.380a Transfer of maintenance records.

Each certificate holder who sells a U.S. registered aircraft shall transfer to the purchaser, at the time of sale, the following records of that aircraft, in plain language form or in coded form at the election of the purchaser, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The record specified in § 121.380(a)(2).

(b) The records specified in § 121.380(a)(1) which are not included in the records covered by paragraph (a) of this section, except that the purchaser may permit the seller to keep physical custody of such records. However, custody of records in the seller does not relieve the purchaser of his responsibility under § 121.380(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

[Doc. No. 10658, 37 FR 15984, Aug. 9, 1972]

Subpart M—Airman and Crewmember Requirements

SOURCE: Docket No. 6258, 29 FR 19212, Dec. 31, 1964, unless otherwise noted.

§ 121.381 Applicability.

This subpart prescribes airman and crewmember requirements for all certificate holders.

§ 121.383 Airman: Limitations on use of services.

(a) No certificate holder may use any person as an airman nor may any person serve as an airman unless that person—

(1) Holds an appropriate current airman certificate issued by the FAA;

(2) Has any required appropriate current airman and medical certificates in his possession while engaged in operations under this part; and

(3) Is otherwise qualified for the operation for which he is to be used.

(b) Each airman covered by paragraph (a)(2) of this section shall present either or both certificates for inspection upon the request of the Administrator.

(c) [Reserved]

(d) No certificate holder may:

(1) Use the services of any person as a pilot on an airplane engaged in operations under this part if that person has reached his or her 65th birthday.

(2) Use the services of any person as a pilot in command in operations under this part between the United States and another country, or in operations between other countries, if that person has reached his or her 60th birthday unless there is another pilot in the flight deck crew who has not yet attained 60 years of age.

(e) No pilot may:

(1) Serve as a pilot in operations under this part if that person has reached his or her 65th birthday.

(2) Serve as a pilot in command in operations under this part between the United States and another country, or in operations between other countries, if that person has reached his or her 60th birthday unless there is another pilot in the flight deck crew who has not yet attained 60 years of age.

[Doc. No. 6258, 29 FR 19212, Dec. 31, 1964, as amended by Amdt. 121–144, 43 FR 22646, May 25, 1978; Amdt. 121–344, 74 FR 34234, July 15, 2009]

§ 121.385 Composition of flight crew.

(a) No certificate holder may operate an airplane with less than the minimum flight crew in the airworthiness certificate or the airplane Flight Manual approved for that type airplane and required by this part for the kind of operation being conducted.

(b) In any case in which this part requires the performance of two or more functions for which an airman certificate is necessary, that requirement is not satisfied by the performance of

multiple functions at the same time by one airman.

(c) The minimum pilot crew is two pilots and the certificate holder shall designate one pilot as pilot in command and the other second in command.

(d) On each flight requiring a flight engineer at least one flight crewmember, other than the flight engineer, must be qualified to provide emergency performance of the flight engineer's functions for the safe completion of the flight if the flight engineer becomes ill or is otherwise incapacitated. A pilot need not hold a flight engineer's certificate to perform the flight engineer's functions in such a situation.

[Doc. No. 6258, 29 FR 19212, Dec. 31, 1964, as amended by Amdt. 121-178, 47 FR 13316, Mar. 29, 1982; Amdt. 121-256, 61 FR 30434, June 14, 1996]

§ 121.387 Flight engineer.

No certificate holder may operate an airplane for which a type certificate was issued before January 2, 1964, having a maximum certificated takeoff weight of more than 80,000 pounds without a flight crewmember holding a current flight engineer certificate. For each airplane type certificated after January 1, 1964, the requirement for a flight engineer is determined under the type certification requirements of § 25.1523.

[Doc. No. 5025, 30 FR 6067, Apr. 29, 1965]

§ 121.389 Flight navigator and specialized navigation equipment.

(a) No certificate holder may operate an airplane outside the 48 contiguous States and the District of Columbia, when its position cannot be reliably fixed for a period of more than 1 hour, without—

- (1) A flight crewmember who holds a current flight navigator certificate; or
- (2) Specialized means of navigation approved in accordance with § 121.355 which enables a reliable determination to be made of the position of the airplane by each pilot seated at his duty station.

(b) Notwithstanding paragraph (a) of this section, the Administrator may also require a flight navigator or special navigation equipment, or both,

when specialized means of navigation are necessary for 1 hour or less. In making this determination, the Administrator considers—

- (1) The speed of the airplane;
- (2) Normal weather conditions en route;
- (3) Extent of air traffic control;
- (4) Traffic congestion;
- (5) Area of navigational radio coverage at destination;
- (6) Fuel requirements;
- (7) Fuel available for return to point of departure or alternates;
- (8) Predication of flight upon operation beyond the point of no return; and
- (9) Any other factors he determines are relevant in the interest of safety.

(c) Operations where a flight navigator or special navigation equipment, or both, are required are specified in the operations specifications of the air carrier or commercial operator.

[Doc. No. 10204, 37 FR 6464, Mar. 30, 1972, as amended by Amdt. 121-178, 47 FR 13316, Mar. 29, 1982]

§ 121.391 Flight attendants.

(a) Except as specified in § 121.393 and § 121.394, each certificate holder must provide at least the following flight attendants on board each passenger-carrying airplane when passengers are on board:

(1) For airplanes having a maximum payload capacity of more than 7,500 pounds and having a seating capacity of more than 9 but less than 51 passengers—one flight attendant.

(2) For airplanes having a maximum payload capacity of 7,500 pounds or less and having a seating capacity of more than 19 but less than 51 passengers—one flight attendant.

(3) For airplanes having a seating capacity of more than 50 but less than 101 passengers—two flight attendants.

(4) For airplanes having a seating capacity of more than 100 passengers—two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 100 passengers.

(b) If, in conducting the emergency evacuation demonstration required under § 121.291 (a) or (b), the certificate holder used more flight attendants